

1 || **LAW OFFICES OF SHAI OVED**
2 || **Shai Oved, Esq. CBN 185526**
3 || **7445 Topanga Cyn Blvd, Suite 220**
4 || **Canoga Park, California 91303**
5 || **Email - ssoesq@aol.com**
6 || **Tel: (818) 992-6588**
7 || **Fax: (818) 992-6511**

8 || **Attorneys for Post-Discharged Debtors**
9 || **appearing herein for a limited purposes**

10 || **UNITED STATES BANKRUPTCY COURT**

11 || **CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION**

12 || **In re**) **CASE NO. 2:04-bk-22926-BB**
13 || **Steven and Susan Oscherowitz,**) **Chapter 7**
14 || **Debtors.**) **DEBTORS' REPLY TO DAVID DAYANOFF'S**
15 || **) LIMITED OPPOSITION TO MOTION FOR ORDER**
16 || **) AVOIDING JUDGMENT LIEN OF SHALOM AND**
17 || **) SHEVACH MOZES AND AUTHORIZING SHORT-**
18 || **) SALE**

19 || **)** **HEARING DATE**
20 || **) Date:** August 20, 2013
21 || **) Time:** 11:00 a.m.
22 || **) Place:** Courtroom 1475
23 || **)** US Bankruptcy Court
24 || **)** 255 East Temple Street
25 || **)** Los Angeles, CA 90012

26 || **TO THE HONORABLE UNITED STATES BANKRUPTCY COURT AND ALL**
27 || **OTHER INTERESTED PARTIES:**

28 || **COME NOW DEBTORS** Steven and Susan Oscherowitz (hereinafter referred to
29 || collectively as "Debtors" or "Movants"), through their attorneys, The Law Offices of Shai Oved,
30 || with their Reply to David Dayanoff's Limited Opposition to motion for order avoiding the judgment
31 || lien of Shalom and Shevach Mozes and authorizing Debtors to complete a short-sale of their
32 || property located at 117 N. Citrus Ave., Los Angeles, CA 90036 (hereinafter referred to as the
33 || "Property") as follows:

1 || 1. David Dayanoff's limited opposition comes as a surprise to Debtors as no other
2 || interested party objected to the Debtors' Motion.

3 2. Even though David Dayanoff initially agreed to accept a reduced payoff for a release
4 of his lien, upon learning of Debtors' efforts to avoid the judgment lien of Shalom and Shevach
5 Mozes, he apparently believed his purported priority in the list of junior liens would substantially
6 improve (ie, the Mozes's judgment lien is in the amount of \$450,000).

7 3. Debtors recognize that the short sale can not proceed without the approval of all
8 secured creditors. Debtors believe that not only should Dayanoff be estopped from changing his
9 former position, for which they previously relied, but other defects exist with respect to Dayanoff's
10 position.

11 4. Notwithstanding and without waiving any rights, all of which are expressly reserved,
12 Debtors believe that a consensual agreement can be reached, as did previously, and seek a further
13 continuance of the August 20, 2013, hearing for 2 weeks in order to do so. As of the time of this
14 Opposition, counsel had exchanged phone messages and were still waiting on their clients as to
15 settlement discussions discussed between counsel. Debtors and Mozes (judgment creditor whose
16 lien was to be avoided) have been able to reach an agreement to resolve its lien, and they believe
17 they will be able to reach an agreement as to the Dayanoff's lien.

18 5. It is anticipated that a joint stipulation will be filed to continue the hearing for an
19 additional two weeks so the parties can continue/finalize any settlement.

20 6. Debtors respectfully request that this hearing be continued for two weeks without the
21 need for an appearance. Request for Continuance. Debtors hereby move this Court for a
22 continuance of this matter pursuant to Local Bankruptcy Rule 9013-1(m)(1) for two weeks (or the
23 Court's next available hearing date) so that the parties can continue to work out matters informally.

Respectfully submitted,

The Law Offices of Shai Oved

/s/ Shai Oved

27 | Dated: August 13, 2013

Shai Oved, Attorneys for Debtors

1 **PROOF OF SERVICE**

2 **BY U.S. MAIL**

3 **BY HAND DELIVERY**

4 **BY FAX**

5 **BY SPECIAL DELIVERY/FEDERAL EXPRESS/EXPRESS MAIL**

6 I am a resident of Los Angeles County, California. I am over the age of 18 and not a party
7 to the within action. My business address is 7445 Topanga Cyn Blvd., Suite 220, Canoga Park,
8 California 91303. On August 13, 2013, I served a true and correct copy of **DEBTORS' REPLY**
9 **TO DAVID DAYANOFF'S LIMITED OPPOSITION TO MOTION FOR ORDER**
10 **AVOIDING JUDGMENT LIEN OF SHALOM AND SHEVACH MOZES AND**
11 **AUTHORIZING SHORT-SALE** on the Parties-in-Interest in this action, in the manner referenced
12 above and addressed or telecopied as follows:

13

14 Aviv Tuchman Tuchman & Associates 6080 W Pico Blvd., Los Angeles, CA, 90035	15 Counsel for Creditor 16 Via Email to Tuchmanlaw@aol.com
17 Mozes Bardavid Law Offices of Mozes Bardavid 16133 Ventura Blvd., 7th Floor Encino, CA 91436	18 Counsel for Dayanoff 19 Via Email to mbardavid@hotmail.com

20 The following will be served by CM/ECF:

21 Moises S Bardavid mbardavid@hotmail.com
22 Paul A Beck pab@pablaw.org

23 Alane A Becket 2 notices@becket-lee.com

24 Alan F Broidy alan@broidylaw.com, sherrie@broidylaw.com

25 Baruch C Cohen bcc4929@gmail.com

26 Harris L Cohen hcohen00@aol.com

27 Jerome S Cohen jsc@jscblkaw.com

28 Donald H Cram dhc@severson.com

 Tami S Crosby tcrosby@mileslegal.com

 Christina Erickson cerickson@richardsonpatel.com

1 Alan W Forsley awf@fl-lawyers.net, awf@fkllawfirm.com, addy@fl-lawyers.net, lc@fl-
2 lawyers.net, awf@fl-lawyers.net
3 Gil Hopenstand ghopenstand@wwolawyers.com
4 Kari A Keidser kkeidser@gmail.com
5 Leib M Lerner leib.lerner@alston.com
6 Elan S Levey elan.levey@usdoj.gov, louisa.lin@usdoj.gov
7 Yevgeniya Lisitsa glisitsa@msn.com
8 William Malcolm bill@mclaw.org
9 Alison J Maloof ecfcacbrs@piteduncan.com
10 Aram Ordubegian ordubegian.aram@arentfox.com
11 Shai S Oved ssoesq@aol.com
12 Vy Pham vpham@mileslegal.com
13 Lee S Raphael cmartin@pralc.com
14 David L Ray (TR) jf@srblaw.com, dray@ecf.epiqsystems.com; cs@srblaw.com
15 Timothy J Silverman tim@sgsslaw.com
16 United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov
17 Diane Weifenbach diane@attylsi.com
18 David R. Weinstein david.weinstein@bryancave.com,
19 raul.morales@bryancave.com; alicia.moore@bryancave.com
20 Gilbert B Weisman notices@becket-lee.com
21 Sharon Z. Weiss sharon.weiss@bryancave.com, raul.morales@bryancave.com
22 Jerome A Yelsky yelsky@cherinandyelsky.com, casupportgroup@w-legal.com
23
24 The following will be served by personal delivery within one day after filing:
25
26 The Honorable Sheri Bluebond.
27 United States Bankruptcy Court
28 255 E. Temple Street, Courtroom 1475
Los Angeles, CA 90012

26 Executed on August 13, 2013, at Woodland Hills, California.
27 /s/ Shai Oved
28

Shai Oved